



COMMISSIONER
James R. Hine

December 13, 2002

BOARD MEMBERS

John M. Bradley
Chair, Dallas

Jerry Kane
Vice Chair, Corpus Christi

Abigail Rios Barrera, M.D.
San Antonio

John A. Cuellar
Dallas

Manson B. Johnson
Houston

Terry Durkin Wilkinson
Midland

To: Community Based Alternatives (CBA) Home and Community Support Services (HCSS) Providers
CBA Assisted Living/Residential Care (AL/RC) Respite Providers
CBA Adult Foster Care (AFC) Respite Providers
CBA Nursing Facility Respite Providers

Subject: Long Term Care (LTC)
Information Letter No. 02-37
Implementation of the Consumer Directed Services (CDS) Option

In compliance with Senate Bill 1586 of the 76th Legislature, the Texas Department of Human Services (DHS) will implement the Consumer Directed Services (CDS) option in the CBA program effective January 1, 2003. DHS offers this option in other programs, which is currently known as the Vendor Fiscal Intermediary (VFI) option. DHS plan to submit a technical change to Chapter §41 Vendor Fiscal Intermediary (VFI) Payments to Consumer Directed Services. The CDS option provides consumer-directed and consumer-managed services. The CDS option is not a new program but is a service model with a different payment option being offered under existing programs for particular services. A Community Based Alternatives (CBA) client may choose the CDS option for their Personal Assistance Services (PAS) and Respite Services, including In-Home and Out-of-Home Respite. If the CDS option is chosen, both services must be included.

The CBA CDS agency policy and forms may be accessed at:

<http://www.dhs.state.tx.us/programs/communitycare/cds/index.html>

The CDS agency policy incorporates the new rules and corresponding procedures that need to be followed by the CBA CDS agencies effective January 1, 2003. This policy will be included in a future manual revision.

REFERRAL PROCESS

A Home and Community Support Services (HCSS) agency must refer any client expressing interest in the CDS option to their DHS case manager. DHS case managers will offer every new CBA applicant an opportunity to participate in the CDS option, however clients must receive services through the Agency Option prior to participating

in the CDS option. All current CBA clients will be offered the opportunity to participate in the CDS option at their annual review or upon request.

The HCSS agency will be notified of the client's negotiated transfer date to the CDS option via Form 2065. The services that the client has chosen to receive under the CDS option will be documented in the comments section of Form 2065-B.

CBA PROVIDER PROCEDURES

A CBA client choosing the CDS option will be responsible for all personal assistance services and respite services provided under the CDS option. The HCSS agency is not responsible for providing any personal assistance services (including back-up services) if the client has chosen to receive his services under the CDS option. A client participating in the CDS option may contract or enter into a service agreement with a DHS contracted HCSS agency to provide back-up services and in-home respite services. The HCSS agency is not required to enter into a contract with the CDS clients to provide back-up services.

A CBA CDS client may also contract or enter into a service agreement with a DHS contracted respite provider for out-of-home respite services. The respite provider is not required to enter into a contract or service agreement to provide respite services. The respite provider is reimbursed per the agreement/contract at the negotiated rate per twenty-four hour period or increment thereof. The respite provider must bill the CDS client for services rendered; the client submits the invoice to the CDS agency for payment processing. A client who withdraws from the CDS option will receive services in the agency option for a minimum of three months (90 days) before being eligible to return to the CDS option.

A CDS client will have a CDS agency and an HCSS agency. An HCSS agency serving a client participating in the CDS option will continue to provide all other services not offered under the CDS option. The HCSS agency continues to be responsible for annual reassessments, Quarterly Nursing Assessments, ongoing changes to the Individual Service Plan (ISP), and providing all other services authorized on the ISP. Except as noted below (skilled nursing services) no changes have been made to the procedures for services not available under the CDS option.

With the passage of House Bill (HB) 456, a CDS client may choose to supervise the attendant's performing certain skilled tasks. The allowable tasks may be found on Form 1552, Service Agreement Between VFI Client and Employee, Appendix B. The HCSS RN is not liable for the tasks the client chooses to directly supervise under HB 456. The CDS client accepts complete responsibility for training and supervising the attendant's performance of any task(s) under HB 456. Any skilled task(s) the client does not choose to supervise under HB 456 must be provided by direct nursing and cannot be delegated.

A client who transfers to the CDS option must have a new Form 3671-C completed if either or both of the following occur:

- The CDS client had delegated nursing tasks on his ISP prior to transfer to CDS option;
- The CDS client chooses to supervise skilled tasks under HB 456.

If the client had no delegated nursing tasks and does not choose to supervise skilled tasks under HB 456 a new Form 3671-C is not required when the client transfers to the CDS option.

Please contact your contract manager if you have any further questions regarding this information. Contract managers should contact Rudy Gomez at (512) 438-3740 if they have any questions.

Sincerely,

Signature on file

Becky Beechinor
Assistant Deputy Commissioner
Long Term Care Services

BB:ck